

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:22-cv-15

ROBERT TERRACINO  
and  
BRADIE TERRACINO,  
Individuals,  
  
Plaintiffs,

v.

TRIMACO, INC., f/k/a 2300 Gateway, Inc.  
And  
CHARLES COBAUGH, individually  
And  
DAVID C. MAY, individually  
  
Defendants.

**PLAINTIFF'S FED. R. CIV. P. 26(a)**  
**INITIAL DISCLOSURES**

**RULE 26 (a)(1) INITIAL DISCLOSURES**

NOW COME the Plaintiffs, Robert and Bradie Terracino ("Terracinos" or "Plaintiffs"), by counsel, and for their Rule 26(a)(1) Initial Disclosures, respectfully states as the follows:

**i. Individuals Likely to Have Discoverable Information**

Pursuant to Rule 26(a)(1)(A)(i), Plaintiff discloses the following names, addresses, and telephone numbers (if known) of each individual likely to have discoverable information that Plaintiff may use to support his claims or defenses, unless solely for impeachment, and identifies the subjects of such information. This is a preliminary list and Plaintiff makes no representations as to the extent of her exhaustiveness or as to the knowledge (or lack thereof) of the listed individuals. This list is based upon the information that is currently known to Plaintiff. Plaintiff

retains the right to modify or supplement this list as circumstances warrant, and as otherwise permitted by the Court. The general subject matter of information listed for each individual does not limit Plaintiff's right to question and/or call any individual listed to testify regarding any other subject(s). Plaintiff in no manner waives any privilege under state or federal law by disclosing any of the names below.

A. Robert Terracino

Plaintiff, inventor, and owner of the patent at issue. Mr. Terracino was directly involved in the development and testing of the invention for reduction to practice and the filing of the patent application. Mr. Terracino may be contacted through counsel for the Plaintiffs.

B. Bradie Terracino

Plaintiff, inventor, and owner of the patent at issue. Ms. Terracino was directly involved in the development and testing of the invention for reduction to practice and the filing of the patent application. Ms. Terracino was the primary point of contact with vendors and manufacturers, including the primary point of contact with Trimaco. Ms. Terracino may be contacted through counsel for the Plaintiffs.

C. William Sykes, Esq.

Mr. Sykes is a patent attorney and serves as counsel for the Plaintiffs. Mr. Sykes prosecuted the patent at issue. His knowledge of the matter and interactions with Plaintiffs are or may be subject to privilege, including attorney-client privilege. Mr. Sykes may be contacted through counsel for the Plaintiffs.

D. Nancy Harbison Uniforms / Harbison Tailors

479 S. Lynnhaven Rd

Virginia Beach, Va 2352

757-463-3241

Nancy Harbison Uniforms / Harbison Tailors provided services on the initial construction of the invention disclosed in the patent at issue. Those services were principally tailoring to allow the layers of the invention to be constructed.

E. Crystal [last name unknown]

She is the secretary to Charles Cobaugh. Crystal was the first person the Terracinos spoke to when they called Trimaco and spoke with her on subsequent occasions. She has information about those conversations and the identification by her of Charles Cobaugh as the owner and individual to speak with about the Terracinos' invention and patent.

333 Washington Ave

St. Louis, Missouri 63102

314-53-5005

F. Charles Cobaugh

Co-CEO of Trimaco. Mr. Cobaugh was the primary point of contact for the Terracinos with regards to the licensing and production of products covered by their patent, and has knowledge regarding the development and manufacturing of Trimaco's infringing drop cloth products.

G. David May

Vice President of New Business Development at Trimaco. Has knowledge regarding the development and manufacturing of Trimaco's infringing drop cloth products.

H. Maria Costello

Vice President of Supply Chain Management. Has knowledge regarding the sales of Trimaco's infringing drop cloth products.

I. YC Wang [Yichen Wang]

Mr. Wang is the International Purchasing Manager at Trimaco and has information related to Trimaco's production of drop cloths. In particular, Mr. Wang has information related to Trimaco's procurement of materials used for the production of its infringing drop cloths. Mr. Wang is also named as a co-inventor of Trimaco's U.S. Pat. No. 10,683,607 along with David C May, co-owner of Trimaco, and Akashdeep Khera. Mr. Wang's contact information is, or should be, through Trimaco and/or counsel for Trimaco.

J. Bill McGaw.

Mr. McGaw is an individual who assisted the Terracinos in designing a Power Point presentation related to their patented invention, the Power Point presentation ultimately being provided to Trimaco by the Terracinos.

Office 757-428-0264

Cell 757-6517238

K. Bob Messaros.

Bob Messaros was the Executive Vice President of a company called NPI (New Product Innovations). Prior to the final allowance and issuance of the patent to the Terracinos for their invention, Mr. Messaros discussed the Terracinos invention with them in regards to potential marketing of products incorporating the invention. Mr. Messaros is now President and Ceo Commercial Metal Forming.

Cell 614-203-1683

L. Eric Zajac

Mr. Zajac was the store manager at Sherwin Williams located at 1700 General Booth Blvd, Virginia Beach, VA 23454. He had numerous conversations with the Terracinos regarding

their invention, and was shown the prototypes of the invention. It was Mr. Zajac who suggested that the Terracinos contact Trimaco based upon his familiarity with Trimaco and Trimaco's products carried by Sherwin Williams. Mr. Zajac is now a Commercial Territory Manager at Sherwin Williams Co.

1373 Ingleside Rd

Norfolk, Va. 23502

Store telephone number 757-461-2077

M. Daniel A. Tanner, III, Esq.

Mr. Tanner was engaged by Plaintiffs to provide a review and opinion regarding the infringement of Plaintiffs' patent by the non-skid drop cloth produced and sold by Defendant Trimaco. Mr. Tanner's Opinion was included as Exhibit 7 to Plaintiffs' First Amended Complaint. Mr. Tanner continues to serve as expert witness for the Plaintiffs and although his contact information is provided here Mr. Tanner may be communicated with to the extent provided for under the law and Federal and Local Rules through counsel for the Plaintiffs.

dan@TannerIP.com

www.TannerIP.com

149 West Gilpin Avenue, Norfolk, Virginia 23503

Office: (703) 232-1160, Ext. 101

Plaintiff reserves the right to identify and name additional individuals who may possess information that will be used by Plaintiff to support her allegations and defenses as and when they become known to Plaintiff. Plaintiff also reserves any objections she may have to any of the information or documents which are the subject matter of these Initial Disclosures based on the attorney-client privilege, attorney work product privilege or any other objection it may have to the

discovery of information or documents under the Federal Rules of Civil Procedure or any applicable rule of law.

## **ii. Documents**

A description by category and location of all documents, data compilations and tangible things that are in the possession, custody or control of the Plaintiffs may use to support her claims or defenses, unless solely for impeachment, are as follows. Unless otherwise noted, all such documents or things are, or will be, located at the office of counsel for Plaintiffs, Byers Law, 1769 Jamestown Road, Suite 120, Williamsburg, Va. 23185.

### **a. Correspondence**

All correspondence, including electronic mail, that Plaintiffs may use to support their claims or defenses are maintained electronically by Plaintiff on a laptop computer and cell phone.

Backups of the electronic mail are maintained on servers owned and maintained by Yahoo through which Plaintiffs have their email service. There has existed only a single email service and address for all times relevant to this matter.

### **b. Other Documents**

The patent file wrapper for the Terracinos' patent covering their invention is maintained electronically by the United States Patent and Trademark Office. All other records related to the prosecution of the Terracinos' patent application are in the custody of their patent counsel (William Sykes, identified above). Any non-electronic records other than those described above are in the custody of Plaintiffs.

**iii. Computation of Damages**

Plaintiffs' damages are based upon the sales of infringing products produced and sold by Trimaco, and thus cannot be calculated prior to discovery of the financial records of Trimaco for the infringing products.

**iv. Insurance Agreement(s)**

Not applicable.

Pursuant the Federal Rules of Civil Procedure and the Local Rules, these disclosures will be supplemented as information disclosable under Fed. R. Civ. P. 26(a)(1)(A) is identified and/or discovered.

/s/ Duncan G. Byers  
Of Counsel

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd Day of June, 2023, I served the foregoing via electronic mail on the following:

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